

**TOWN OF SULLIVAN  
ZONING BOARD OF APPEALS  
JUNE 14, 2018  
7:00 P.M.**

A regular meeting of the Zoning Board of Appeals of the Town of Sullivan was convened at the Town Office Building by Chairman Steve Durfee at 7:00 P.M.

Those in attendance for the meeting were: Chairman Steve Durfee, Members Cliff Reals, Michael Keville, Terry Manning, Cecilia Berean, Attorney for the Board Richard Andino and Secretary for the Board Jeri Rowlingson.

**PUBLIC HEARING**

**7:00 P.M. – STEPHEN USIATYNSKI: AREA VARIANCE (556 FYLER RD., 23.19-1-12)  
8 FT. FENCE WEST SIDE PROPERTY LINE**

Mr. Stephen Usiatynski appeared before the Board to request an area variance to build an 8-foot high white vinyl fence for privacy on the West side property. The 8-foot fence would go from the back corner of his house and extend approximately 120 feet to cedar trees located on the property and the 6-foot high portion of the fence would be from the front corner to the rear corner of his house.

The Madison County Planning Board returned the application for Local Determination.

No one else spoke for or against the application and the public hearing was closed.

**ALAN KNIGHT: AREA VARIANCE (2 SKYRIDGE RD., 48.-1-13) REAR AND SIDE  
PROPERTY LINE SETBACKS**

Mr. Alan Knight appeared before the Board to request an area variance to build a 14' x 24' pre-fabricated shed 32 feet from the rear property line and 12 feet from the side property line. The Town of Sullivan Zoning Law requires a minimum side setback of 15 feet and a rear setback of 50 feet. Mr. Knight stated his property is at an angle and it would be difficult to put it anywhere else because of rocks. Mr. Knight also indicated that the location for the building was chosen because it is the flat part of the property.

The Madison County Planning Board returned the application for Local Determination.

No one spoke for or against the application and the public hearing was closed.

**JAMES MACDONELL: USE VARIANCE (TRAVERSE ST., 9.35-1-52) BUILD GARAGE ON VACANT LOT**

Mr. Thomas DiTullio, architect for Mr. and Mrs. MacDonell, who were also present, appeared before the Board to request a use variance to build a stand-alone garage on their property. The property is 100 ft. wide and 98 ft. deep, (9,800 square foot lot). Access to this property is a dirt lane/"paper street" ("Traverse Street"). Mr. DiTullio stated that the garage would be for storage of the MacDonnell's boat and other items as the garage at their home is too small for such storage needs. Mr. DiTullio claims that if a house was built on the property, the Town would be required to construct a fire lane at a cost of approximately \$1.5 million. Attorney Andino explained that that issue was irrelevant to the standards/factors an applicant is required to prove in order to receive a use variance.

Robert and Cathy Vault spoke in opposition to the use variance. The Vaults have two properties directly between the paper street and Mr. and Mrs. Macdonell's home. One of the properties is their home and the other is an investment property. The Vaults were concerned that once one stand-alone building is allowed in the area then there will be another and another as there are many vacant lots in the area.

Another neighbor, Donna Corp, also sent a letter in opposition to the application which was submitted into the record.

The Madison County Planning Board returned the application for Local Determination and noted that "the application does not meet the necessary requirements to issue a Use Variance."

The Town of Sullivan Planning Board views granting this request as having a significant adverse town-wide effect and recommends denial.

No one else spoke for or against the application.

Motion was duly made by Member Keville, seconded by Member Reals and unanimously passed by the Board to extend the public hearing for the Use Variance until next meeting.

**JAMES MACDONELL: AREA VARIANCE (1361 LESTINA BEACH RD., 9.35-1-5) WEST SIDE PROPERTY LINE SETBACK**

Mr. Thomas DiTullio again appeared before the Board representing Mr. and Mrs. MacDonell to request an area variance (side yard setback) to build a 26' x 16' family room addition with an accessible bathroom. The addition would be located approximately 2 feet off the side property line where 8 feet is required by the Zoning Law. The current side setback for the existing garage is 2.7 feet. Mr. DiTullio indicated that the septic system and gray water are in line with the house so the addition cannot be moved any further in from the property line without significant expense. The addition will be in line with the garage without eaves.

A neighbor, Cathy Vault, asked whether the right of way abutting the property would be compromised. Mr. DiTullio stated that the addition would extend no further than the existing garage and no encroachment on the right-of-way would occur.

The Madison County Planning Board returned the application for Local Determination.

The Town of Sullivan Planning Board sees no adverse town-wide effect in granting this variance.

No one else spoke for or against the application.

Motion was duly made by Member Berean, seconded by Member Manning and unanimously passed by the Board to close the three other public hearings at 7:40 P.M.

### **NEW BUSINESS**

No new business.

### **OLD BUSINESS**

#### **STEPHEN USIATYNSKI: AREA VARIANCE (556 FYLER RD., 23.19-1-12) 8 FT. FENCE WEST SIDE PROPERTY LINE**

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance addressing each of the legal criteria for approval or denial of the application. It was determined that the benefits to the applicant outweighed any harm to the neighborhood. The Board reasoned that although the variance is substantial it is not a determining factor. No environmental issues were identified and the fence would not impact the character of the neighborhood and the hardship was not self-created due to the proposed location of the neighbor's house set back from the road.

This application was declared by the Board to be a Type II Action for SEQR.

A motion was duly made by Member Keville to approve the variance as amended, seconded by Member Manning with three votes Aye to two votes Nay (Members Reals and Berean voting no) by the Board granting 2 feet of relief for a fence on the West side property line. The variance was approved to allow a 6-foot high fence with 6-foot gate from the front corner to the rear corner of the house and an 8-foot high fence from the rear corner of the house extending approximately 120 feet to the cedar trees existing on the property. Conditions: No more than fifteen 8-foot sections from the rear corner of the house to the trees (ground level); fence to be minimum one foot from property line and; good side of fence to face the neighbor.

#### **ALAN KNIGHT: AREA VARIANCE (2 SKYRIDGE RD., 48.-1-13) REAR AND SIDE PROPERTY LINE SETBACKS**

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance addressing each of the legal criteria for approval or denial of the application. It was determined that the benefits to the applicant outweighed any

harm to the neighborhood. The shed is in character with adjacent properties and the requested variance is not substantial. The variance could be achieved by an alternative means but the alternative is not desirable as the chosen location is the flat part of the property.

This application was declared by the Board to be a Type II Action for SEQR.

A motion was duly made by Member Manning, seconded by Member Reals and unanimously passed by the Board granting 18 feet of relief from the rear property line setback requirement and 3 feet of relief from the side property line setback requirement to build a 14' x 24' shed.

### **JAMES MACDONELL: AREA VARIANCE (1361 LESTINA BEACH RD., 9.35-1-5) WEST SIDE PROPERTY LINE SETBACK**

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance addressing each of the legal criteria for approval or denial of the application. It was determined that the benefits to the applicant outweighed any harm to the neighborhood and that the variance was needed for more space conducive to handicap accessibility. The Board reasoned that the addition is no closer to the right of way than the existing garage and no views of the lake would be obstructed. The Board reasoned that if moved to another area on the lot it would require movement of waste water system or additional renovations. The variance is substantial however in line with existing garage.

This application was declared by the Board to be a Type II Action for SEQR.

A motion was duly made by Member Keville, seconded by Member Reals and unanimously passed by the Board granting 6 feet of relief from the side property line setback requirement. Conditions: no closer than 2feet including eaves from the West property line.

### **APPROVAL OF MINUTES**

A motion was duly made by Member Keville, seconded by Member Berean and unanimously passed by the Board approving the minutes of April 12, 2018

A motion was duly made by Member Berean, seconded by Member Keville and unanimously passed by the Board approving the minutes of May 10, 2018

### **ADJOURNMENT**

A motion was duly made by Member Keville, seconded by Member Berean and unanimously passed by the Board to adjourn the meeting at 9:00 P.M.

**Respectfully Submitted**  
**Jeri Rowlingson, Secretary**